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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,852	02/23/2004	James Dixon	1285.008US1	9465
21186 7590 10/28/2009 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER HARPER, LEON JONATHAN				
ART UNIT 2166		PAPER NUMBER		
NOTIFICATION DATE 10/28/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/784,852

Applicant(s)

DIXON ET AL.

Examiner

LEON HARPER

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-10, 12-18, 20-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 12-18, 20-25, 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 6/23/09 has been entered. No claims have been canceled, amended or added. Accordingly, claims 1, 2, 4-10, 12-18, 20-25 and 27-31 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2,4-10,12-18,20-25,27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040111431 (hereinafter Zeller) in view of US 20020032740 (hereinafter Stern).

As for claim 1 Zeller discloses: linking employees as a function of the organization information to form a hierarchy of employees, wherein linking includes mapping information from each of the plurality of data sources to categories and storing the mapping as an info set, wherein at least one category present in the first data source is not present in the second data source (See paragraphs 0004, 0031- 0032, 0037-0038) associating data from business operations with employees in the hierarchy

While Zeller does not differ from the claimed invention the disclosure of extracting organization information from a plurality of disparate data sources, wherein the plurality of disparate data sources includes a first data source and a second data source is not necessarily explicit. Stern however does disclose extracting organization information from a plurality of data sources, including a first data source and a second data source (See paragraphs 0134,0155);. It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Stern into the system of Zeller. It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Stern into the system of Zeller. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and extraction, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Stern's teaching would enable users of

the Zeller system to find answers to questions based on the extractions (See paragraph 0043).

As for claim 2 the rejection of claim 1 is incorporated and further Zeller discloses: wherein linking includes displaying a graphical representation of the hierarchy of employees (See paragraph 0001).

Claim 12 is a method claim corresponding to claim 1 and are is thus rejected for the same reasons as claim 1.

As for claim 13 the rejection of claim 12 is incorporated and further Zeller discloses wherein generating includes delivering the report via instant messaging (See paragraphs 0004, 0034 and 0037).

As for claim 14 the rejection of claim 13 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes indicating active users (See paragraph 0034).

As for claim 15 the rejection of claim 12 is incorporated and further Zeller discloses wherein delivering the report via instant messaging includes retrieving the user's instant messaging address (See paragraph 0034).

As for claim 16, the rejection of claim 15 is incorporated and further Zeller wherein delivering the report via instant messaging includes indicating active users (See paragraph 0034).

As for claim 17 the rejection of claim 12 is incorporated and further Zeller discloses wherein generating further includes delivering the report via email (See paragraphs 0004, 0044).

As for claim 18 the rejection of claim 17 is incorporated and further Stern discloses 18. wherein delivering the report via email retrieving the user's email address (See paragraph 0072).

As for claim 20 Zeller discloses: means for viewing the report generated by the processor (See paragraph 0037) While Stern discloses a processor connected to a plurality of data sources, wherein the processor extracts organization information from the plurality of data sources, determines an organization hierarchy from the extracted organization information and generates a report as a function of a user's place within the organization hierarchy;

As for claim 21 Zeller discloses: a report viewing system (See paragraph 0004);, wherein each data source includes categories of organization information about people

within the organization (See paragraph 0010); and a processor connected to a plurality of disparate data sources and to the report viewing system, , determines an organization hierarchy from the extracted organization information and generates a report as a function of a user's place within the organization hierarchy (See paragraph 0038). While Zeller does not differ from the claimed invention the disclosure of a plurality of disparate data sources, including a first data source and a second data source, wherein the processor extracts organization information from the plurality of data sources and wherein at least one category present in the first data source is not present in the second data source is not necessarily explicit. Stern however does disclose a plurality of disparate data sources, including a first data source and a second data source wherein the processor extracts organization information from the plurality of data sources and wherein at least one category present in the first data source is not present in the second data source (See paragraphs 0134, 0155). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Stern into the system of Zeller. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and extraction, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Stern's teaching would enable users of

the Zeller system to find answers to questions based on the extractions (See paragraph 0043).

As for claim 22 Zeller discloses: extracting organization information from two or more independent organization information data sources wherein the plurality of independent organization information data sources includes a first data source and a second data source; determining an organization hierarchy from the extracted organization information (See paragraph 0031), wherein determining organization hierarchy includes linking employees as a function of the organization information to form a hierarchy of employees and locating the users within the hierarchy of employees, wherein linking includes mapping information from each of the plurality of data sources to categories and storing the mapping as an info set, wherein at least one category present in the first data source is not present in the second data source (See paragraphs 0004,0031- 0032,0037-0038) (See paragraph 0038); associating with each employee, a method of distributing reports; generating a report for each user who should receive a report, wherein the report includes data extracted from the one or more third data sources, wherein generating a report includes filtering each user's report as a function of the threshold information and the user's location in the organization hierarchy; and delivering the reports using the method of distributing reports associated with each user who should receive a report (See paragraphs 0034 and 0038, 0054), determining the users who should receive a report (See paragraphs 0004, 0047) While

Zeller does not differ from the claimed invention the disclosure of extracting data from one or more third data sources, wherein extracting includes mapping information from each third data sources to second categories, wherein at least one of the second categories is different from categories in the first categories; reading threshold information from a fourth data source; determining the users who should receive a report is not necessarily explicit. Stern however does disclose extracting data from one or more third data sources wherein extracting includes mapping information from each third data sources to second categories (See 0153), wherein at least one of the second categories is different from categories in the first categories; reading threshold information from a fourth data source (See paragraph 0054, 68). It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Stern into the system of Zeller. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and extraction, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Stern's teaching would enable users of the Zeller system to find answers to questions based on the extractions (See paragraph 0043).

As for claim 25 the rejection of claim 22 is incorporated and further Zeller discloses wherein delivering the report includes adding links within each report to supporting data (See paragraph 0038).

As for claim 27, the rejection of claim 12 is incorporated and further Stern discloses: wherein generating a report includes reading threshold information from a fourth data source (See paragraph 0054) while Zeller discloses: and filtering the report as a function of the threshold information (See paragraph 0054, paragraphs 0131-0133).

As for claim 28, the rejection of claim 12 is incorporated and further Stern discloses: wherein generating includes aggregating data extracted from the third data sources (See paragraph 0155).

As for claim 29 the rejection of claim 12 is incorporated and further Zeller discloses: wherein one of the first categories is a conditions on notification category associated with each user and wherein generating includes delivering a report as a function of information in the conditions on notification associates with each user (See paragraph 0047).

As for claim 30, the rejection of claim 22 is incorporated, and further Stern discloses wherein generating includes aggregating data extracted from the third data sources (See paragraph 0155).

As for claim 31, the rejection of claim 22 is incorporated, and further Zeller discloses wherein one of the first categories is a conditions on notification category associated with each user and wherein generating includes delivering a report as a function of information in the conditions on notification associated with each user (See paragraph 0047).

Response to Arguments

Applicant's arguments filed 6/23/09 have been fully considered but they are not persuasive.

Applicant argues:

The Examiner stated that the mining method of Stem could be used within the manager display method of Zeller to form a hierarchy of employees from two different data sources. Applicant respectfully submits that, at most, the combination of Stem with Zeller teaches a way to take a record from Zeller's database and combine that record with one or more records extracted from web pages. Neither reference teaches "linking employees as a function of the organization information to form a hierarchy of employees, wherein linking includes mapping information from each of the plurality of disparate data sources to categories and storing the mapping as an info set, wherein at least one category present in the first data source is not present in the second data source" as taught by Applicant and required by claims 1 and 2.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'

Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541, 550-51 (CCPA 1969). In this case Zeller discloses: a database of individuals in an organization (See paragraph 0031). The database can be any type of database including a hierarchical database. A hierarchical database is based in a tree structure and includes parent and child nodes to disclose the relationship between entities in the database structure which in the Zeller case is an organization. Moreover, in paragraphs 0037 and 0038 of Zeller disclose that a view can be constructed of the relationships in the database showing the manager chain of the chosen individuals. A user can proceed upward in the organizational unit, and a focused view of the hierarchy show connected pieces of the organizational unit (See paragraph 0038). Moreover as far as the linking aspect is concerned Zeller does disclose that neither profiles nor managers need to be stored in the same database (See paragraph 0032).

Applicant argues:

Similarly, neither reference teaches "determining an organization hierarchy from the extracted organization information, wherein determining organization hierarchy includes linking employees as a function of the organization information to form a hierarchy of employees and locating the user within the hierarchy of employees,

wherein linking includes mapping information from each of the independent organization information data sources to first categories and storing the mapping in an infoset, wherein at least one category present in the first data source is not present in the second data source" as taught by Applicant and required by claims 12-18 and 27-29.

Examiner responds:

Examiner is not persuaded. Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater,¹⁶² USPQ 541,550-51 (CCPA 1969). In this case Zeller discloses: a database of individuals in an organization (See paragraph 0031). The database can be any type of database including a hierarchical database. A hierarchical database is based in a tree structure and includes parent and child nodes to disclose the relationship between entities in the database structure which in the Zeller case is an organization. Moreover, in paragraphs 0037 and 0038 of Zeller disclose that a view can be constructed of the relationships in the database showing the manager chain of the chosen individuals. A user can proceed upward in the organizational unit, and a focused view of the hierarchy show connected

pieces of the organizational unit (See paragraph 0038). Moreover as far as the linking aspect is concerned Zeller does disclose that neither profiles nor managers need to be stored in the same database (See paragraph 0032), accordingly, in paragraph when two employees (Chirs Walker and Carol Johnson) are selected their manager chains may very well be stored in separate data sources (See paragraph 0032).

Applicant argues:

The Examiner failed to address, however, each element of claims 12-18 and 27-29 in his rejection. For instance, there is no mention in any of the cited references of "extracting data from one or more third data sources, wherein extracting includes mapping information from each of the third data sources to second categories, wherein at least one of the second categories is different from categories in the first categories; or of generating a report, wherein the report includes data extracted from the one or more third data sources, wherein generating a report includes filtering the report as a function of the user's location in the organization hierarchy" as described by Applicant and claimed in claims 12-18 and 27-29. Since elements of claims 12- 18 and 27-29 are missing from both references, claims 12-18 and 27-29 cannot be obvious in view of the combination of references.

Examiner responds:

Examiner is not persuaded. Subsequent to an analysis of the claims it was revealed that a number of limitations recited in the claims belong in the prior art and thus encompassed and/or implicitly disclosed in the reference (s) applied and cited. It is logical for the examiner to focus on the limitations that are "crux of the invention" and not involve a lot of energy and time for the things that are not central to the invention, but peripheral. The examiner is aware of the duties to address each and every element of claims, however, it is also important that a person prosecuting a patent application before the Office or an stakeholders of patent granting process make effort to understand the level of one of ordinary skill in the (data processing) art or the level one of skilled in the (data processing) art, as encompassed by the applied and cited references. The administrative convenience derived from such a cooperation between the attorneys and examiners benefits the Office as well the patentee.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Applicant argues:

The Examiner also stated that Zeller teaches (at [0054]) filtering each user's report as a function of threshold information and the user's place in the hierarchy. Applicant is also unable to see this teaching in any of the cited references. Clarification

is requested. In his rejection of claims 29 and 31, the Examiner stated that Zeller discloses "wherein one of the first categories is a conditions on notification category associated with each user and wherein generating includes delivering a report as a function of information in the conditions on notification associates with each user (See paragraph 0047)." Paragraph 47 of Zeller, however, describes no such thing. There are no "conditions of notification" as required by claims 29 and 31 and there is no delivering of the report as a function of information in the conditions of notification taught by Applicant and claimed in claims 29 and 31.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case threshold information that is used to filter could be any attribute or information that prevents some entities of employees from being selected over others. The threshold information in that case can be something such as a name (Consider a filtration based on the Name Matt) Both references discloses that name and position

Art Unit: 2166

can used as a filter or search but Stern contains a more explicit disclosure (See Stern paragraphs 0131-0133).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEON HARPER whose telephone number is (571)272-0759. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
October 19, 2009

/Isaac M. Wool/
Examiner, Art Unit 2166